

Acquisition Division Minimum Review Criteria For Procurement Files

1. TRUTH IN NEGOTIATIONS ACT

1. Was certified cost or pricing data not obtained even though the subcontract action exceeds the TINA dollar threshold and no legal exemption to TINA (as specified in FAR and/or JPL procedures) is applicable?
2. Certified cost or pricing data was obtained (as no legal exemption applies) but the Certificate of Current Cost or Pricing Data (“Certificate”) contains one or more of the following deficiencies:
 - a. Data on the Certificate is in error, such as when it refers to a completely erroneous proposal number;
 - b. Information on the Certificate is inadequate, and does not clearly tie the Certificate to the proposal or other data being certified (Note: For example, using an incorrect reference to only the subcontract number rather than the proposal number);
 - c. Use of an out-of-date Certificate resulting in, for example, incorrect/outdated FAR citations;
 - d. Use of a non-JPL Certificate that contains language inappropriate for JPL, such as references to “Contracting Officer” or to DFARS;
 - e. Whiteouts or strikeouts on the Certificate not clearly initialed and dated by the subcontractor;
 - f. The “accurate, complete and current” date does not match the date when price negotiations were completed and the date mismatch is not justified.

2. COST ACCOUNTING STANDARDS

1. JPL Form 2842, GPs and AGPs were included in the solicitation document when the anticipated value of the resulting award was expected to exceed the CAS dollar threshold, when applicable.
2. JPL Form 2842 was obtained and the form was filled out properly.
3. The determination that the proposed procurement action was either subject to CAS or a statutory exemption was correctly applied.
4. A written determination of adequacy of CAS disclosure statement was obtained from NMO or the justification to support a waiver is adequate, when applicable.
5. The correct AGP is incorporated into the subcontract/PO, which is consistent with the CAS coverage type (full vs. modified).

3. SMALL BUSINESS (SB) SUBCONTRACTING PLAN

General Subcontracts:

Acquisition Division Minimum Review Criteria For Procurement Files

1. If no exemptions apply, verify that a BOO-approved Subcontracting Plan is in the file.
2. For modifications, if the negotiated amount (including advance funding previously provided and fee or profit) exceeds the thresholds, and a Plan was not previously required, verify that a BOO-approved Subcontracting Plan is in the file.
3. For Modifications meeting the above requirement where a Plan was previously submitted and approved, verify that a BOO-approved Plan update is in the file, or BOO concurrence that there are no opportunities for SDB and SDBC subcontracts.

For Letter Subcontracts

4. If no exemptions apply, verify that a Preliminary Subcontracting Plan is in the file (Note: BOO approval is not required for Preliminary Subcontracting Plan).
5. If no Preliminary Plan is included for an effort which, when definitized, would require a Plan, verify that the Procurement Summary documents the urgent circumstances warranting issuance of the letter subcontract without a Plan.

Plans Submitted to BOO But Not Yet Approved

6. Verify BOO approval of the final SB Plan before:
7. Acquisition Planning and Compliance Office (APCO), Office of General Counsel (OGC), or NASA Management Office (NMO) review, if required.
8. Verify that the Procurement Summary adequately documents emergency situations that make BOO approval before APCO, OGC, or NMO review impracticable.

4. EQUAL EMPLOYMENT OPPORTUNITY (EEO) PRE-AWARD CLEARANCE

1. EEO Clearance was required and was not in the file.

5. COST PLUS PERCENTAGE OF COST AVOIDANCE

1. A basic CPPC subcontract is established, e.g., entitlement to fee directly increases as cost of performing the work increases, or where fee increases on a stepladder basis as costs increase;
2. The subcontract is cost reimbursement type, is not with an educational institution, and it contains fixed indirect cost rates;
3. When a letter subcontract or an undefinitized modification is definitized based solely on costs incurred, and fee is paid on all incurred costs, without an independent analysis of what the action should cost;

Acquisition Division Minimum Review Criteria For Procurement Files

4. Cost reimbursement subcontract, which states that the contractor will earn the entire negotiated fee irrespective of whether the work is terminated, descoped, or irrespective of the degree to which the work is completed;
5. Cost reimbursement subcontract modification for which fee is negotiated on costs identified by JPL as “overrun.”

6. ADVANCE NOTIFICATION, APPROVAL, AND CONSENT TO SUBCONTRACT

Advance Notice of Intent to Subcontract Requirements

1. Advance Notice of Intent to Subcontract is in the file when advance notice is required.

NASA Consent and Approval Requirements

2. A request for NASA consent or approval is in the file when required.
3. When requesting consent to subcontract, JPL Form 1882 is in the Procurement File
4. If consent is for facilities, Evidence that NASA approval Form 1509 has been completed by the Facilities Division
5. When requesting consent to subcontract and authorization to incur finance charges that involve the acquisition or fabrication of capital equipment and when installment/alternate payment plan purchases are required, JPL Form 1893 is in the file.
6. When requesting consent to subcontract and approval of specific terms and conditions or alterations to prime contract that are mandated GPs or AGPs, A copy JPL Form 2912 is in the file.
7. When requesting approval, JPL Form 2319-1 is in the file and the Procurement Summary identifies the specific alteration or other provisions for which consent and approval are requested, along with the rationale for the alterations or provisions.
8. When the Subcontract Manager must verify that the consent is unqualified before a subcontract/modification is issued, APCO and the Office of General Counsel must approve a “qualified” consent and a copy of the Consent Letter is in the file.

7. REPRESENTATIONS AND CERTIFICATIONS

1. Relevant Acknowledgements were obtained when required. These are commonly known as Form A-1 (JPL 2384) for general contracts, Form A-4 (JPL 2384-1) for commercial items/services contracts, and Form A-5 (JPL 2384-3) for CREI contracts. The actual certifications invoked in the Acknowledgements are set forth in JPL 2892 or the RFQ form.

8. APPROPRIATE SUBCONTRACT/MODIFICATION TYPE, TERMS AND CONDITIONS AND EXCEPTIONS APPROVED

2. Correct delivery or performance type (completion or term) is utilized.
3. Correct procurement type (purchase order, subcontract, real property lease, GSA order, G-reqs, agreements) is utilized. Adequate justification is documented in the Procurement Summary for the subcontract type or modification type.

Note: Look for contradictions in scope and subcontract form, e.g., design, develop, and/or prototype on CIS, reimbursement by the hour or ODC on a CIS basis.

4. Correct pricing type (fixed price, cost-reimbursement, time & material, labor hour) is utilized
5. Correct type of modification (unilateral or bilateral) is utilized.
6. Quick-Start Procurement Vehicle was properly used.
7. For example: Pre-contract Cost Authorization, Letter Subcontract, Small Startup Subcontract is included.
8. Appropriate GPs and AGPs for the subcontract type were incorporated.
9. Supplier Exceptions to GPs and/or AGPs were properly resolved.
10. Approval from OGC for GP or AGP alterations or deviations (other than those preapproved in JPL Procedures) is requested.
11. Approval from OGC and NMO for GP or AGP alterations or deviations to Prime Contract mandatory flowdown provisions.
12. Procurement Summary adequately documents nonstandard alterations to GPs and AGPs, addressing subcontractor's rationale, Subcontract Manager's negotiation attempts, and Subcontract Manager's rationale for accepting alterations, including perceived risk level. Approval for nonstandard alterations is requested.
Subcontracts that expired or lapsed were properly handled.

9. ITAR, EAR, BUY AMERICAN ACT AND OTHER ISSUES RELATED TO FOREIGN ACQUISITIONS

1. International Affairs Office advice was obtained and documented, and the requirements of the EAR and ITAR-related matters were followed.
2. The protocol set forth more fully in Procurement Procedures for BAA related matters was followed.
3. Must have the Form A-1 (JPL 2384) for general subcontracts, Form A-4 (JPL 2384-1) for commercial items/services subcontracts, and Form A-5 (JPL 2384-3) for CREI subcontracts that show that the end-item is of domestic origin.

Acquisition Division Minimum Review Criteria For Procurement Files

4. If the procurement is not of domestic origin as identified in the forms above, the procurement file must have:
 - a. A documented explanation in the Procurement Summary stating why the procurement is exempt from the Buy American Act, e.g., acquisition of services only, or
 - b. Must have a Determination of Nonavailability
 - c. Appropriate price differential was applied to competitive solicitations
5. If a document or drawing will be exported with a solicitation or a subcontract, the procurement file must have a Memo from the International Affairs Office or Document Review Office identifying each document by a distinctive number and revision and approving the export of the subject documents and/or drawings.
6. If there is any hardware, including GFP, the procurement file must contain evidence that it has been approved for export.

10. GOVERNMENT PROPERTY MINIMUM REVIEW CRITERIA

For Government Furnished Property:

1. There is evidence of coordination with the JPL Property Group.
2. The GFP is identified in the PO/subcontract, if known.

For Subcontractor-Acquired Property:

3. The subcontract identifies all SAP authorized for acquisition that is known at the time of award.
4. The Subcontractor submitted a form DD 1419 for NASA Equipment Management System (NEMS) screening before fabricating or acquiring all other items of equipment valued at \$1,000 or more.

For Property Screening:

5. If the value of any item of property exceeds \$25,000, there is evidence in the file that the Logistics and Material Services Section has screened the property for availability from NEMS.

For Plant Equipment, Special Tooling (ST) and Special Test Equipment (STE):

6. The written consent to subcontract as required is requested prior to placing any subcontract that is for the purchase, rental, fabrication, construction, or other acquisition, or modification, rehabilitation, or renovation of any item of plant equipment, special tooling, or special test equipment in excess of the consent threshold.

For Trade-In or Exchange of Government Property:

Acquisition Division Minimum Review Criteria For Procurement Files

7. There is evidence that the item has been screened by both JPL and NASA per NASA and Federal Property Management Regulations.
8. The Subcontract Manager obtains the approval of the NMO Property Officer and supplies the required documentation to Property Management.
9. The value of the trade-in items has been properly analyzed and documented.

For Transferring Property Between JPL Subcontracts:

10. The transfer has been coordinated with Property Management.
11. Both subcontracts have been modified to correct the property management records.

For Use of Government Facilities:

12. The written consent of the cognizant contracting officer must be obtained if the proposer intends to use Government property in its possession when over the requisite threshold. [*Government Property Questionnaire*, Form JPL 0544]

11. RESPONSIBILITY DETERMINATION

For POs:

1. The responsibility box in the Procurement Summary is properly checked.
2. The Excluded Parties Listing System is printed and placed in the procurement file if PO is for more than \$25,000.

For CREIs:

3. The responsibility box in the Procurement Summary is properly checked.
4. The Excluded Parties Listing System is printed and placed in the procurement file if PO is for more than \$25,000.

For all other subcontracts:

5. The negotiator must make an affirmative statement that the supplier is a responsive responsible supplier regarding resources, technical and financial capabilities, management, facilities and equipment. The level of effort required to come to this conclusion is tailored depending on the size and complexity of the effort as follows:

Minimum Effort for a large major aerospace supplier:

- a. Provide an explanation of why they are financially and technically capable of performing the work.
- b. Address the Wizard Past Performance
- c. Adequate resources, technical expertise, management, facilities and equipment
- d. The Excluded Parties Listing System is printed and placed in the procurement file if PO is for more than \$25,000.

Middle Point Effort for a mid-size company, or a company with whom we have not had a subcontract for some years:

- e. Address the Wizard Past Performance and or past performance in the proposal.
- f. Review the Dun & Bradstreet or equivalent
- g. Adequate resources, technical expertise, management, facilities and equipment
- h. The Excluded Parties Listing System is printed and placed in the procurement file if PO is for more than \$25,000.

Maximum effort for when we have no prior contractual experience.

- i. Address any past performance provided in the proposal.
- j. Review Dun & Bradstreet, financial or bank statements, or credit history
- k. Determine whether they have an appropriate accounting system capable of cost-type accounting for all cost-type subcontracts.
- l. Adequate resources, technical expertise, management, facilities and equipment
- m. The Excluded Parties Listing System is printed and placed in the procurement file if PO is for more than \$25,000.

12. TAX APPLICABILITY

- 1. The subcontract indicates that tax is applicable when in fact it should not be.
- 2. The subcontract indicates that tax is not applicable when in fact it should be.
- 3. The subcontract fails to correctly split the items for taxability purposes when one or more items are taxable and one or more items are not taxable.
- 4. The subcontract correctly indicates that tax is applicable, but specifies the wrong tax rate.

13. ETHICS AND ORGANIZATIONAL CONFLICT OF INTEREST

For CREIs:

- 1. An affirmative statement is made that there is no Organizational Conflict of Interest.

All other subcontract types:

- 2. Any known Organizational Conflict of Interest and/or ethics issues have been disclosed, documented, and appropriately handled.

14. COMPETITIVE SOURCE SELECTION (COMPETITION, SOLICITATION/RESPONSE, EVALUATIONS)

- 1. The source list is in the file, and if the procurement is over \$100k, the source list has been approved by BOO.

Acquisition Division Minimum Review Criteria For Procurement Files

2. For competitive solicitations, the Evaluation Criteria are reasonable.
3. The solicitation has evaluation criteria for source selection.
4. The solicitation has standard mandatory text included in solicitation.
5. Appropriate subset of mandatory text or equivalent was included in solicitation.
6. If Mandatory Qualification criteria are included in the solicitation, the Section Manager has approved their use.
7. For construction, appropriate bid bonds were obtained.
8. Award was made consistent with the solicitation.
9. Source Selection was approved at the appropriate level.

Note: Solicitation material will be reviewed once either at the solicitation phase of the procurement if it required review or at pre-award review if it did not require review at the solicitation phase.

15. DOCUMENTING A NONCOMPETITIVE SOURCE SELECTION

1. If the subcontract is over \$5 million, there is a Noncompetitive Source Board Memo in the file, with the proper approvals.
2. If waived by the Noncompetitive Source Board Chairperson, the rationale is properly documented.
3. The rationale for a non-competitive source is clear and justifiable.
4. The noncompetitive rationale meets the requirements of the procedures.

16. RATIFICATION OF UNAUTHORIZED COMMITMENTS

1. Unauthorized commitments or the appearance of an unauthorized commitment have been properly identified, addressed and the procurement file adequately documents the ratification of unauthorized commitments in accordance with Procurement Procedures.

17. PRICE REASONABLENESS DETERMINATION

1. The reasonableness of the proposed offeror's price was adequately determined and documented using either price or cost analysis techniques.
2. If a price analysis was performed, the technique selected was appropriate for the transaction and the price was properly analyzed (e.g., competitive, market-based, or historical pricing).
3. If a cost analysis was performed when CPAG involvement is required:
 - a. A complete analysis of the offeror's cost proposal was performed by CPAG as applicable
 - b. A member of the JPL technical staff has provided a written technical evaluation of the supplier's proposal relative to the need for and reasonableness of the

Acquisition Division Minimum Review Criteria For Procurement Files

proposed resources e.g. direct labor mix and hours, material, travel, equipment, etc.

Note: A signed memo or the technical evaluation included in the body of an email stamped with the electronic signature is appropriate. Unsigned memos are not appropriate.

4. When CPAG is not required to do a bottom's up cost analysis, all cost elements are addressed by the Subcontract Manager.
5. Any obvious analytical errors have been handled.

18. NEGOTIATIONS DOCUMENTED

1. If a negotiation plan was required, the plan is in the file and is signed by the group supervisor.
2. If a waiver was obtained, the waiver is in the file and is signed by the group supervisor.
3. Variances and rationale between the negotiation objectives and the final agreement are documented. This includes scope of work, schedule, price/cost, profit/fee, and terms and conditions.
4. The parties involved and the date when final agreement on cost/price was reached are documented.

19. DELIVERABLES AND SDRLS

1. All deliverables and SDRLs are itemized and are clearly set forth without ambiguity in subcontracts or Purchase orders; e.g. SF1018, SF294, SF295, 533M or 533Q, etc.
2. When the procurement is for flight hardware or critical items, the five required SDRLs are included in the subcontract or a rationale why the SDRLs are not included.

20. PURCHASE REQUISITION:

1. Copy of Requisition or email (for unfunded actions) evidencing adequate authority and control point approval is in the file; e.g. property, is included in the procurement file.
2. Evidence of adequate approval authority was printed and included in the procurement file.
3. A confirmation email has been obtained if the negotiated subcontract value amount exceeds the requisition amount by 10% or more and you don't need more funding.

21. PROCUREMENT PLANNING/ASRB

1. A procurement plan or ASRB been prepared or has been waived and filed.

Acquisition Division Minimum Review Criteria For Procurement Files

2. The business designation of the supplier has been identified and documented; e.g. Small Business, Large Business, Woman Owned Business, etc.)

22. PROGRAMMATIC TASK ORDER END DATE

1. Task Order information was verified and documented, and the completion date of the subcontract does not exceed the Task Order programmatic end date.

23. SUBCONTRACTOR SURVEILLANCE PLAN FOR FLIGHT AND GROUND HARDWARE

1. A Subcontract Surveillance Plan for Flight and Ground Hardware is in the file when required or an explanation is documented as to why a surveillance plan is not required was not done.

Note: This is addressed either in the Procurement Summary or the Procurement Plan.